G.R.S. [illegible]

Previous references

1923 June) ✓ Pp 1-24

File No 15-V5

Serial Nos. 3, 4, 5, 20, 21, 22, 28, 31 & 35

(Customs Land Cess)

Later references

me 187-28 & 1

" 65-31(48)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for September 1924

SUBJECT

Complaint against the President of the Town municipal Council of Kolar

35 To, The D C Kolar & the District magistrate Kolar

No F 2648 9/24 24.9.24

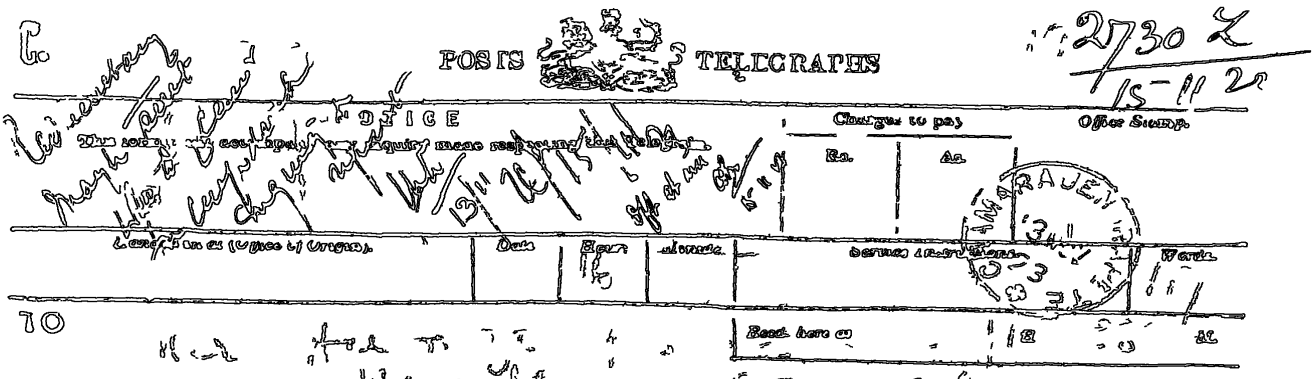
Records the Correspondence of the D C Kolar & the District magistrate in the matter referred to above

HS

22 [illegible]

Nil 15-23-3

1



N.B.—The name of the Sender is telegraphed in words after the text.

[Ld] Chand & Sons—1052—12-12-19—1 79,160 Bks. (Edn. V)

Draft Despatch forwd

HMK.

15-11-1923 2 Issue

15 11 23

4 20,

Mr D C Kolar

No L 3675 dt 15/11/23

Requests him to hold a Confidential enq

& submit a report

5 Petn from Venkatappa dt 27/10/23 residents

in Kolar on the same subject

3 Memo forwarding the Petn to the D C

in Communication of Sl 4, subs for signature

M

21/11/23

4 Issue

22-11-23

Issued Memo No L 4817 dt 24 11 23

NOTE—Contn sheet.

G R. S III-2,

General and Revenue Secretariat | Jud File No. 15 of 1922

Serial No	
20	To the Dy Com, Kolar Dist. No Hc 436/23-24 dy 31.12.23 Requests to obtain a final report as soon as the Criminal Complaint filed by the petr against Sri Gurumaji Rao is disposed of or earlier if he desires to prove the genuineness or falsehood of the Complaint. 5 Submitted for orders HMS 2/1/24 6 CGS 2/1/24 I do not sanction 7 " " CGS 3/1/24
21	To the Dy Com, Kolar Dist.- Hc 436/23 24 dy 20/22 3 1924 States that the Complaint preferred by Venkatappa against Sri Gurumaji Rao, the Resident, Jnana Jyothi, Kolar is false and that in the Criminal Complaint preferred by the former against the latter in the 1st Class Magistrate Court Kolar, the Police Submitted a 'B' report which was accepted by the Magte and the case was struck off. 8 Submitted

NOTE—Contn sheet

5293 3

G R. S. III-2,

General and Revenue Secretariat | Mel File No. 15 of 1923

Serial No

8 Submitted for orders

JHK
29/3/24

9) With reference to telegram received from one Kumbera Venkatappa of Kolar Town Complaining against the President of the Municipality for non crediting a sum of Rs 42 said to have been paid by the Complainant to the President being the balance of the purchase money on account of the sale of a site held by the President, the first Member ordered that the telegram might be sent to the D.C. for enquiry & report - The D.C. has now sent the report which goes to show that the Complaint could not be substantiated & even the Criminal Complaint filed by the petitioner against the President has been struck off the file

Vide H A

10) The President in his letter to the D.C. says that such steps are are necessary will be taken by him against the petitioner for preferring a false Com-

NOTE—Contn. sheet

5493

4)

G. R S III 2

General and Revenue Secretariat

File No. S[redacted]/5 of 19 23

Serial No

1) Put with reference to Mr. Desai's Memo dealing with the telegram

1 x Hosp)
1st Member

28/3

30/3

2) Resolution passed by the Council is not in order as it may be called for - the Chairman will see through his whole record & advise in case matter is pressed

Mr?
15/4

3) Call for the before 20th April.

4) Asstt. 15/4

5) Dft submd 16/4/24

16/4/24

22 Fwd

The D.C. Kolaba
No. 1 S/428 D) 16/4/24
Calls for the petition referred to above

Note—Contn. sheet.

Dft Letter 436/23-24 dated 22-3-24 is placed

G. R. S. III-2]

General and Revenue Secretariat | File No 543 15 of 1927

Serial No	
	17) Reference para 13 supra received as the file has been called back by the Secy 17/4/24 [illegible] 18) L 22/4/24) 22/4/24
	(19) may be submitted after the receipt of the report
	22/4
	From The Deputy Commr. Kolar He 436/23-24 & 20.4.24. Submits the petition called for in serial 22 & the notes
4.10 P.M.	20) Submit with reference to paras 12 & 13 of the notes 23/4. 21. 22) L 22/4/24) 23/4
C 20 L. D.	23) may observations be entered in the sealed cover
95-10 8/5/24	1st Member) 8/5

NOTE—Cont. on sheet

Serial No

23) Reference is invited to the opinion of the Local & Legislative Secretary in the sealed cover. It relates to a case of misappropriation brought against Mr.Gurimaji Rao, elected President of the Kolar Municipality. (Cancel) Certain sites were sold by the Kolar Municipality on 22nd September 1923, one of which No. 4 was purchased by one Venkatappa for Rs. 56/-. He paid the initial deposit at once, which presumably was sent to the Treasury. The balance viz., ¾ths of the purchase money, he had to pay within a fortnight and he states that he paid the amount on 4th October 1923, but it was not credited to the Treasury at once. On the 13th Novemb he presented a petition to the Deputy Commissioner alging the above facts against the President and chargi him with misappropriation. On the same date, he sent telegram to the Government which was sent to the Deputy Commissioner for confidential enquiry & report. The Deputy Commissioner sent the petition presented t him to the President for necessary action on the same day viz., 13th November and the President sent the money to the Treasury on the 14th November.

24) On the 19th November 1923, Venkatappa lodged a regular complaint against the President Mr. Gurumaji Rao in the Court of the Special Magistrate, I Grade. The Magistrate (Mr.Venkoba Rao) recorded the statement of the complaint and ordered process to issue under Sections 409 and 406, Indian Penal Code. The process was made returnable by 5-12-23, but before the issue of the order, the Magistrate changed his mind and wanted to hear the complainant's advocate. The complainant's advocate was absent at the time the order was written

NOTE—Contd. on

and so the case was adjourned from 19-11-23 to 20-11-23 Both these dates have been altered. No explanation has been given for the alteration and none can be guessed. Some further unnecessary adjournments were given and th case was ultimately referred to the Police for investigation on 17th December 1923. The Police sent up a B report on 21st January 1924, stating that the complainant paid the balance of the purchase money not to the President but to one Appia and that the latter paid the money to the President on the 14th November which he remitted to the Treasury at once. The Magistrate ordered a notice to issue to the complainant as to why the report should not be accepted. The notice which was returnable by 29th January is stated to have been served on the complainant on the 27th January, but the records do not show whether he was present on the date of hearing or not. In fact the proceedings of 29th January have not been recorded. The Magistrate however took up the case on the 4th February 1924 and passed an order accepting the B report and striking off the case. (5) There was no necessity to refer the case to the Police. There was no property to be recovered and no evidence to be gathered with the aid of the Police. Further the striking off of the case without the examination of the complainant does not appear to be justifiable, though there is a conflict of judicial decisions

decisions upon the point whether the complainant should or should not be examined before the case is struk off.

2(d) As regards the merits of the case, please see the D.O. letter of the Deputy Commissioner and also the remarks made by the President on the petition referred to him by the Deputy Commissioner. There is not sufficient reason to disbelieve the evidence of Mr. Kalyansing, the Vice President. The remarks made by the President on the petition go to show that the defence that the complainant did not pay the money himself but that one Appia paid it for him on the 14th November is an after-thought. The President has first written on the petition that the money was sent to the Treasury on the date the complainant made the payment But he has scored this out and has written thereon 'on the day the lighting contractor Appaiya made the payment'. Appia does not depose in favour of the President, but he supports the prosecution. So also Khader Nawaz Khan the Municipal Daffedar, who states that the complainant paid the money into the hands of the President and that the latter promised to send the receipt through Appia. There is also the fact against the President that if complainant did not pay the money within a fortnight from the date of sale, he should have cancelled the sale. The Local and

Legislative Secretary says that this is a good case for revision and I agree with him. But it is so awkward that the Government should move in the matter. The proper person to do that is the complainant himself. Notice to show cause why the B report should not be accepted is stated to have been served on him. But the proceedings of 29th January have not been recorded. It might be that he was present and that the Magistrate did not proceed with the case and passed the order on 4th February 1924 in his absence. However I would wish to teach the non-official Presidents a good lesson. I do not like that the Government should step into the position of the complainant and file a revision petition. No doubt the action of the Magistrate has debarred the Government from proceeding against the President. Under Section 26 Clause vi of the Municipal Regulation for misconduct, but the filing of a revision petition appears to me a extreme course which may not be adopted in this case The offence is one of temporary misappropriation and the money has been made good. The case as regards the President may be dropped and the explanation of the Special Magistrate for the alteration of the date and a for not recording the proceedings of the case on 29th January 1924 may be called for through the Chief Court.

Note—Contra. sheet

27) Please move this Chamber — 30/5-

28) — Secretary 29) I agree with the — 30/5-

G II 2]

5752

General and Revenue Secretariat | File No | of 19 11

Serial No

31) Drafts of this reply seem to have been recorded (vide fl 5)

32) A draft in however substituted in his hand by the above Minute.

33) Law Secy) 7/6

34) I see that the proceedings after 29th were recorded (Flag B) even though the complainant appeared in person & offered evidence to prove his case, the mamlatdar has not given him an opportunity to do so. There are authorities to support the proposition that the mamlatdar must afford opportunity to the complainant to substantiate his complaint & he must hear all complainant's evidence - (See cases collected in Sohoni on Cr. P. Code p. 582 para 16)

35) The draft be accordingly modified -

362 10/7 36) Put up

37) Please apply for his Mamlatdar - Bombay with the post 10/7

Is it under sec calling for his Engg Co through his Chief Court? Why not through his Secretariat. Please look

38) I believe it is not proper to call for the report through Chief Court

NOTE—Contn. sheet

III-2

General and Revenue Secretariat

Nil File No. 1S-1146 of 1923

5495/1922 1146 12

Serial No.

39) ~~Let may call for the explanation from the Magistrate - Draft is according~~ ~~marked~~.

510 15/7/24 40) 1st member

41) 16/7

16/7

42) 17/7

43)

17/7

28 No L 437 of 1924 To District Magistrate, Kolar Request to obtain and submit the explanation of the magistrate for not affording an opportunity to the complainant to substantiate his complaint through he offered to prove his case

Allows 22.7.24

31 From The Deputy Magistrate Kolar

No H C 436/23-24 dt 9 8 24

Forwards Magistrate's explanation

With reference to Sl 28 above states that the explanation is entirely and absolutely satisfactory &c

This file was kept back as the Secretary was not well but will be submitted today

HMK 25/8

Sd 24/8

Submitted with reference to paras 27 to 29

Sd 8/9

Sd 15/9

NOTE—Contd. sheet.

1892 24/8

2018/24 1st & 2nd Secy)

25 1st member)

G. [H-2]

1146

B

WD 2810—GPP—10 000—31 5-24

General and Revenue Secretariat

Judl File No 15 of 1923

Serial No	
	Put up draft memo B 15/9
	Subd. with a draft G O recording for approval ewkr 16 9 24 HK.
	Mem put up Clean draft as revised B 17/9
	Subd with a typed draft for approval ewkr 18 9 24 HK Lt Lt Secy B 19/9 abs 20-9 Mem B 20/9
35	No 12648-9 A 24 dt 19/9/24 Do Dr Nolan, Dist Magistrate Records re Correspondence B 25/9/24

NOTE—Contn sheet

G. R. S. VI--G/32]

4

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

, *the* 192 .

Date of issue .. 15/11/23 ..

Signed by .

Confidential

Section M-

File No 15-23

Serial No 4

No L 3675 - Enclosure

To

Dear Sir,

I am desired to forward herewith copy of a telegram dt 13th Nov 1923 from Kuruba Venkatappa & Gattaan stating that the Ores of the Kolar Town Mill did not credit certain amount received by him from one Balaya Venkatappa, I am to request that you will kindly hold a Confidential enquiry into the matter and report to Govt

Yours obediently

over

re Connection with the Sale of a certain land

WD 0878-GPR—1600—7-11-23

15/11/23 COR/16

To G. Hanumanayaka Rao Avl. D.C.

Dy Comr Kolar

List of enclosures

Copied by

Examined by

Strictly Confidential 3681-X-23 15

No 30/33-3 OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,

Dated Kolar 11-23 192
Jul 15-23-20

FROM

S HIRIANNAIYA, Esq, MA, BL
Deputy Commissioner,
Kolar District

To B. Nagappa, Esq, Bar-at-Law,
Secretary to the Government of
Mysore, Local and Legislative
Departments, Bangalore

SIR,

With reference to your Memo No L.4817 dated the 24th - - instant forwarding for report a petition in original presented to Government by one Venkatappa of Kolar townmaking an allegation against Mr Girmaji Rao, the President of the local Municipality, I have the honour to state that the person referred to above - - presented to me on 13-11-1923 a petition alleging that Mr Girmaji Rao had not granted him a receipt for a sum of Rs 42/- which he had paid on account of the purchase money of a site purchased by him at a Municipal sale I immediately forwarded the petition to the President for necessary action This man has since filed a criminal complaint against Mr Girmaji Rao before the special - I Class Magistrate here and the matter is under the investigation of the Police, the complaint having been referred to them by the Magistrate for investigation I have not yet been able to see the records connected with the case as the matter is sub judice, but from what I have been able to gather there are one or two features about this transaction which require explanation This is my - provisional opinion as the matter stands at present and it is quite possible that Girmaji Rao may be able to explain it - - satisfactorily I shall in the meantime submit further report in course as the matter is disposed of judicially or earlier if I am - - -

satisfied of the genuineness or falsehood of the complaint. The petition is retained here.

I have the honour to be,

sir,

your most obedient servant

Deputy Commissioner,

Kolar District

17

No. HC 436

23 "

Enc 1 Report
1 petition
1 file of P own record

OFFICE OF THE DEPUTY COMMISSIONER,

Camp Hudgur, Kolar District, Goribidnur taluk

Dated Kolar 20th Mar 1924

Pathapalya

REVENUE SECRETARIAT
27 FEB 1924
Kolar District

Mr 15.23.21

FROM

S. HIRIANNAIYA, Esq, M A, B.L,
Deputy Commissioner,
Kolar District

To

B Nafanna, Esq., Bar-at-Law,
Secretary to the Govern . . of Mysore,
Local and Legislative Departments
Bangalore

SIR,

With reference to your D.O letter marked confidential No L 3675 dated the 15th November 1923 forwarding, for confidential - enquiry and report, copy of telegram dated 13th November 1923 - - received from one Kuruba Venkatappa of Kolar Town stating that the President of the Kolar Town Municipality did not credit certain - amount received by him from one Balaji Venkatappa in connection - with the sale of a certain land, I have the honour to state as - follows -

2. Five building sites were sold on 22-9-1923 in auction by the Municipality and were purchased by different persons for various amounts, site No 4 having been purchased for Rs 56/- by the said - Venkatappa He paid Rs 14/- being the one fourth share of the - - purchase money on the date of sale to the Vice President in whose presence the sales were conducted and was granted a receipt for the payment of Rs 14/- The sale purchaser, according to his statement in the petition presented by him to Government paid on - - 4-10-1923 the balance of the purchase money, Rs 42/- to the - - President who promised to send him the formal receipt in due course The petitioner not having received the promised receipt made - - enquiries and learnt that the sum of Rs 42/- paid by him was not taken into Municipal accounts or credited to the treasury He -

18

thereupon approached me on 13-11-1923 with a complaint to the above effect. I immediately forwarded the petition to the President for necessary action and I enclose herewith in original report No 865 - dated 19th February 1924 received thereon from him.

3 The petitioner in the meanwhile preferred before the Special I Class Magistrate of Kolar a criminal complaint against the President and the same was forwarded by the Magistrate to the local police for investigation and report. The local police after due investigation into the complaint submitted a "B" report which was accepted by the Magistrate and the case has since been struck off the file and the - connected records are herewith forwarded for favour of perusal and kind return

4 The petition presented to Government is returned with thanks

I have the honour to be,

sir,

your most obedient servant

Deputy Commissioner,
Kolar District

M V.S.

G B S VI—G/32]

21

SUBJECT

Diary No of letter replied to 5693

General and Revenue Secretariat

(89)

, the *19*

Date of issue 16/4/24

Signed by MVJKS

Section MK

File No 18-23

Serial No 22

Confidential

No 28428

To

The Dc Kolar

Sir,

With reference to your letter no HC 436/23-24 dt 20/22 3 24 forwarding a report on an allegation against the Pl of the Town Mnd Cl of Kolar, Mr G Gnanaprakasam, in connection with the sale of a land, I am directed to request you to be so good as to forward at a very early date the petition dt 13 11 23 presented to you by Venkatappa

P.T.O. over

N

which is not to be found among the file of papers sent with your letter under reply

The entire records accompany for reference and return

I have &c

[illegible]

for [illegible] Secy

[illegible] 16/4/24

List of enclosures

Copied by

Examined by

Confidential

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,

Dated, Kolar 23th April 192 4

No H C.436/23-24
Enc one petition

Ml 15-23-

FROM,
S Hiriannaiya, Esq., M A, B.L,
THE DEPUTY COMMISSIONER,
Kolar District

To

Ml 15-23-24

GENERAL & REVENUE SECRETARIAT
L 5952
23 APR 19
LEGAL SELF GOVT BRANCH

B Nagappa, Esq, Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments
Bangalore

Sir,

As desired in your letter No L.8428/Ml 15-23-22 dated the 16th April 24, I have the honour to forward herewith the petition dated 13-11-23 presented to the Deputy - - Commissioner, by one Vekatappa of Kolar town

I have the honour to be,
sir,
your most obedient servant,

Deputy Commissioner,
Kolar District

Confidential

No. L. 437, 9/19th Jan 24
encl one file of Records
Jud 15-23-28

24

The Registrar
Chief Court of Mysore
Bangalore

Sir,

I am directed to forward herewith the accompanying records relating to a Criminal Complaint preferred in the Court of the Magistrate, 1st grade, Kolar by one Venkatappa of Gulpet against Sri Srinivasa Rao, President of the Town Municipal Council for ~~the offence of~~ criminally misappropriating a sum of Rs 42 failed to remit to the Treasury a sum of Rs 42 paid to the President by the complainant on 4/2/23 being the balance of the money due by him for the site purchased from the Municipality on 22/9/23 and thus has committed ~~an offence~~ Criminal Misappropriation ~~offence~~ punishable under Section 409 IPC

The complaint was filed on the 15th November 23 the day

2 to

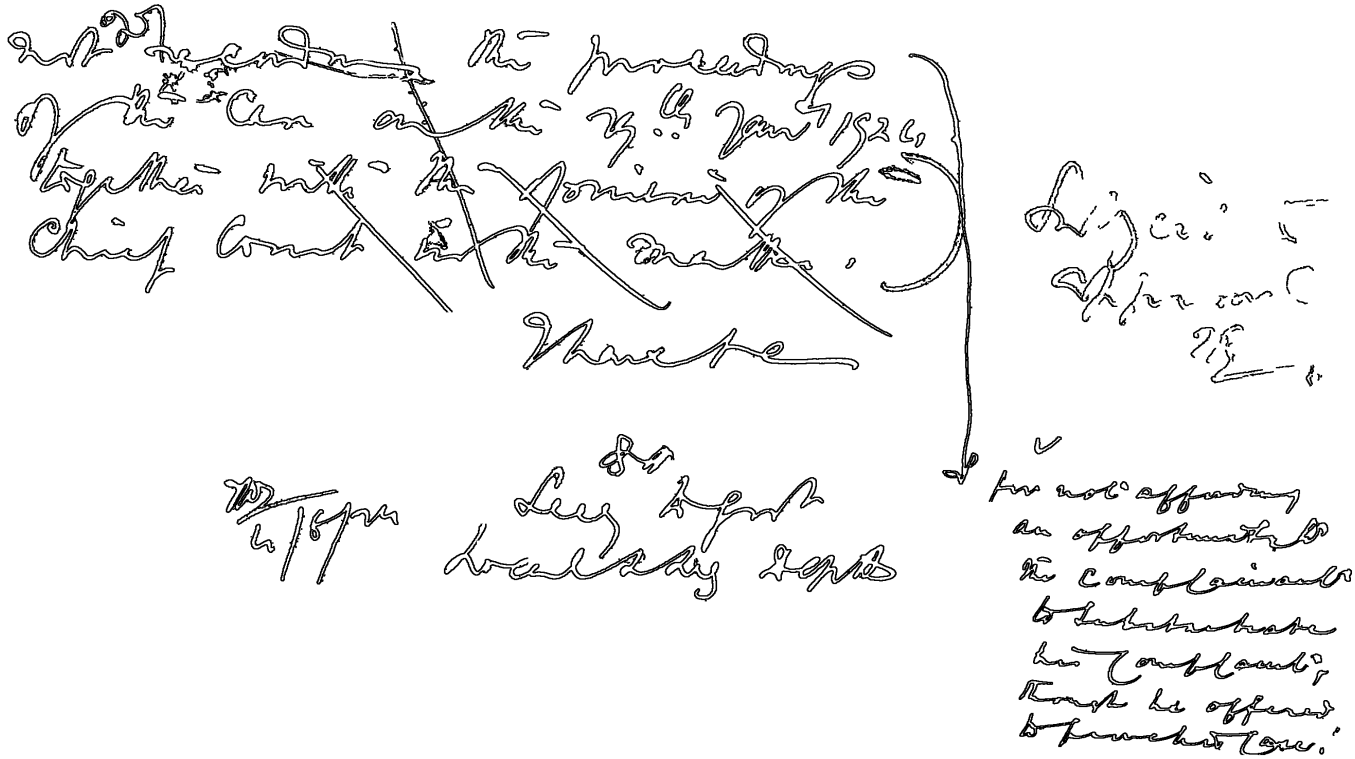
Mr Roberts Jr

on the date of such the proceedings of the Ch. Court do not seem to have been recorded It is however clear that the Magistrate took up the Case on the 4th Octr 1824 and passed an order accepting the Report and directing the case from the file

As there was no proofs the recorded & no evidence taken together with the answer of the Defendant it does not appear that there was any necessity to refer the Case to the Court and the striking off the Case without hearing the Complainants who had engaged an Attorney does not also seem to be justifiable

In these Circumstances, I am to request that [illegible] that arrangement may be made for obtaining & forwarding to this Office the explanation of the Magistrate for the alteration of the Order stated above and for

In these circumstances, I am to request that the



28

PROCEEDINGS OF THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE

Mel 15-23-35

Read -

Letter No. H.C.436/23-24, dated the 22nd March 1924, from the Deputy Commissioner, Kolar District, reporting on the complaint against the President of the Kolar Town Municipal Council for having failed to credit certain amount received by the President from one Venkatappa in connection with the sale of a certain land and stating that the original case filed in the matter against the President in the Kolar First Class Magistrate's Court was struck off the file on the 'B' report filed by the Police who were ordered to investigate the case and report

2 Correspondence ending with Memo No. H C 436/23-24, dated the 9th August 1924, from the District Magistrate, Kolar District, forwarding the explanation of the First Grade Magistrate, Kolar, about the alteration of certain dates in the Magistrate's order on the complaint petition ~~dated~~ for his not giving an opportunity to the complainant to substantiate his case and stating that the explanation is entirely and absolutely satisfactory

---

29

Order No. d. 2643-9/Encumbrances & Service Inam Kolar

Bangalore, 24 September 1924.

Recorded

To L & L SECY., TO GOVT

The D C., Kolar District.

The Dist. Registrar, Kolar (with records)

E W.M

1892

D O No. C 436 Confidential
23 24

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.
Camp Pethanalya
Dated the 2nd March 1924

My dear Sir,

I have sent separately an official report on the Criminal case of misappropriation which one Venkatappa had brought against Mr Girmaji Rao, President of the Kolar Town Municipality in respect of a sum of Rs.42/- being the balance of purchase money relating to a site which he, that is, Venkatappa, had purchased at an auction sale. The First Class Magistrate has accepted the 'B' report submitted by the Police and has struck off the case. On the evidence disclosed in the investigation no other conclusion was possible and I think a Criminal prosecution could not be successfully sustained all the same, I wish to bring to your notice one circumstance in the case, namely, that the Vice President, Mr. Kalyanasingh, has stated before the Police that he saw the complainant demanding a receipt from the President on 10th October 1923, that is, more than a month prior to the date on which, the President says, he received the payment and that the President promised to give a receipt. Mr

Girmaji Rao's explanation is that the Vice President is working against him which also appears to be true to a certain extent. It is difficult to say definitely what the truth might be

Yours sincerely

Mir
Mushir-ul-mulk Hamza Hussain Esq B A., B.L.
First Member of Council Bangalore.

87d

File No.

Serial Nos.

190

GENERAL AND REVENUE SECRETARIAT.

( )

Part A · Manuscript
for

Serial Nos.

GPB—5,000—20-3 06